



South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

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Results of the 1990 Issues Survey

Reapportionment topped the list of issues in this year's membership survey of priority issues for the 1991 session. Also ranked high on the list are the issues surrounding solid waste management -- both the limitation of out-of-state solid waste and the issues regarding management and recycling.

How the Survey Was Conducted

This was the fifth year the House Research Office conducted an issues survey of the membership prior to the opening of the session. The survey was mailed to the members November 9, immediately following the election. Deadline for returning the surveys was November 21.

This year's response rate was up substantially from previous years. Eighty-six surveys were returned -- a 73 percent response rate among the 118 members currently in the House. By comparison, last year's response rate was 53.2 percent.

As in years past, House members were asked to rank a wide range of issues, 26 in all. The issues used in the survey were compiled by the House Research Office from the committee staffs as well as other sources. A scale of 1 to 5 was used to rank the priority of the issue, with 5 representing the highest priority and 1 the lowest.

In addition, space was provided for House members to list any priority issue not appearing on the list provided. The representatives also were asked to name the top three issues for the 1991 session.

It is important to note that the survey results in no way reflect how House members will vote on a particular bill. Rather, the sample is an indication of what issues responding House members think will be addressed during the upcoming legislative session.

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How the Issues Ranked

Of the 26 topics House members were asked to rank, here is how the issues fared. The brief description, which appeared in the survey, is repeated here for better understanding of the issues. Following this list are graphs showing how each issue scored.

1. **Reapportionment**
 Create congressional and legislative districts based upon 1990 census figures.
2. **Out of State Solid Waste (tied)**
 Limit the amount of out of state solid waste coming into South Carolina.

 Solid Waste Management and Recycling
 Establish policy and procedures to encourage recycling and reduce amount of waste landfilled.
3. **Stricter Lobbying Regulation**
 Require more detailed information on lobbyists, who they are trying to influence and why.
4. **Out of State Hazardous Waste**
 Strengthen further the state laws limiting the amount of out-of-state hazardous waste coming into South Carolina.
5. **State Run Primaries**
 Authorize the State Election Commission to run all elections, including primaries, which are now run by the political parties.
6. **Lobbyist Oversight**
 Change oversight of lobbyists from the Secretary of State to the State Ethics Commission.
7. **Pre and Post Election Campaign Disclosure**
 Require all candidates to disclose campaign contributions and expenses before and after the election.
8. **Health Insurance and Health Care Costs**
 Increase availability of health insurance and health care to South Carolinians.

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9. **Public School Building Needs**
Determine new funding sources and methods of allocation.
10. **Reorganization of the Highway Department (tied)**
Restructure the Highway Commission and reorganize the department, including the possible removal of the Highway Patrol.

Limit Use of Surplus Campaign Funds
Prohibit the personal use of leftover campaign funds by candidates and establish guidelines for the use of surplus funds.
11. **Prohibition of Cash Contributions**
Prohibit candidates from accepting cash contributions of any amount.
12. **Division of Public Accountability (tied)**
Determine the role and appropriate location in state government of the Public Accountability Division, which monitors the EIA and Target 2000.

Parental Responsibility Act
Require parents to be accountable for certain school related duties, including additional accountability for their children's attendance.
13. **No Fault Automobile Insurance**
Amend the state law to allow drivers to opt for this kind of insurance coverage.
14. **Wetlands Protection**
Protect the state's wetlands through management programs and implementation of a "no net loss" policy.
15. **State Employee Drug Testing**
Test prospective state employees and randomly test those in "safety sensitive" jobs.
16. **Tax Exemptions and Ceilings**
In a no growth budget year, examine current exemptions and ceilings on some state taxes.
17. **Preschool Handicapped Services**
Fund state portion of federally-funded service program for preschool-aged handicapped children.

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18. **Homestead Exemption**
Reduce Homestead Exemption for higher income elderly in order to increase exemption for those of lower incomes.
19. **Statewide Building Code**
Establish a statewide building code, including building inspection programs and certification of inspectors.
20. **Administrative Revocation for DUI**
Provide for the immediate suspension of a driver's license by the Highway Department for registering above the legal blood/alcohol level.
21. **Real Estate Agents and Appraisers**
Establish regulations for the licensing of appraisers and continuing education for real estate agents' licensure.
22. **Continuing Education for Insurance Agents**
Require continuing education for license renewal.
23. **Saltwater Fishing License**
Establish \$5 license fee with proceeds going for marine law enforcement and fisheries development.

How the 27 issues were ranked

Each issues was ranked by computing the number of votes it received in each of the 1 to 5 priority rankings. With the number of responding House members, the highest possible score was 430, the lowest, 86. For example, the top rated issue, reapportionment, received a score of 405. This score was computed by multiplying by 5 the 68 "five" priority votes the issue received; by 4 the 12 "four" priority votes, and so on. Answers in the "no opinion" column were not used. By computing a score for each issue this way, the issues could be fairly compared and ranked.

The following chart shows each issue in order of priority ranking and the number of votes it received in each category. The "no opinion" votes are not shown since they counted nothing toward the total score.

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Potential Issue	Priority					Total
	High 5	4	3	2	Low 1	
Reapportionment	68	12	5	1	0	405
Out-of-State Solid Waste	55	23	6	0	0	385
Solid Waste Managment & Recycling	52	24	9	1	0	385
Stricter Lobbying Regulation	56	19	6	3	1	381
Out-of-State Hazardous Waste	44	28	13	1	0	373
State Run Primaries	44	23	15	3	1	364
Lobbyist Oversight	45	20	15	1	5	357
Pre/Post Election Campaign Disclos.	47	21	7	6	3	355
Health Ins. & Health Care Costs	40	27	12	2	1	349
Public School Building Needs	31	36	13	4	2	348
Reorganization of Highway Dept.	39	23	10	4	8	333
Limit Use, Surplus Campaign Funds	39	20	15	4	5	333
Prohibit Cash Contributions	41	18	10	4	9	324
Parental Responsibility	20	23	24	14	5	297
Division of Public Accountability	19	23	30	8	4	297
No Fault Auto Insurance	28	16	19	9	12	291
Wetlands Protection	18	18	32	14	4	290
State Employee Drug Testing	22	13	26	15	7	277
Tax Exemptions and Ceilings	17	19	29	9	9	275
Pre-School Handicapped Services	13	18	37	10	6	274
Homestead Exemption	16	21	20	16	10	266

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Potential Issue	Priority					Total
	High 5	4	3	2	Low 1	
Statewide Building Code	12	11	27	26	9	246
Administrative Revocation, DUI	15	18	25	3	17	245
Real Estate Agents & Appraisers	9	12	32	22	10	243
Continuing Ed., Insurance Agents	8	11	28	26	10	230
Saltwater Fishing License	6	2	28	24	23	193

Other Issues

Besides the list of 26 issues in the survey, House members added a number of their own. At the end of the survey, the membership was given the chance to add any potential issue not among the 26 listed.

The following is a list of those issues added by responding House members:

- Reorganization of State Government
- Zero-based Budget for State Agencies
- Accountability of State Funds by State Agencies
- Lack of Funds for State Employees
- Tax on Beer and Wine
- Repeal of the Local Option Sales Tax
- Workman's Compensation
- Increase Citizens Eligible for Medicaid
- College Tuition Pre-payment Plan
- Study Concept of School Choice or Voucher System
(like one in Milwaukee)
- Target Ways to Prevent Drug Problem in the Schools
- Drug Kingpin Bill

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- Alternatives to Imprisonment
- Weight Limits on Secondary Roads
- Abortion

Please note: The issue of state government reorganization was listed by a number of House members on their surveys. Fiscal issues, education and criminal justice also appeared to dominate the other issues suggested by House members.

Naming the Top Three Issues

As the final part of the survey, House members were asked to name the top three issues of the upcoming legislative session. About half the responding House members answered this part of the survey, so these numbers reflect a smaller pool of responses than those for the priority ranking. However, since the return rate in general for the survey was unusually high this year (73 percent), this subsection still reflects the thinking of a substantial number of House members.

Not surprisingly, the results of this survey section correspond with the results of the priority ranking with some slight changes. The top three issues listed were:

1. Ethics Reform
2. Reapportionment
3. Waste Issues

While these issues change places slightly from the ranking they received in the priority scoring, this probably can be attributed to the wide spectrum of topics each of the above issues can include (i.e. "waste issues" can encompass the issues surrounding both solid and hazardous wastes). At any rate, these three issues seem to be at the top of the list of concerns held by many House members.

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In addition, other issues frequently mentioned for the top three listing include:

- Insurance (health and auto)
- the State Budget
- Environmental Issues
- Highway Department Reorganization
- Education

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Background on the Top Ten Issues

To assist House members with upcoming speeches, newsletters and constituent correspondence, here is some background information on the top ten issues named in this year's membership survey. Thanks is given to the staffs of the House standing committees for providing information on these issues.

1. Reapportionment

Every ten years, after the U.S. Census is taken and the results are tabulated and released to the states, each state is obligated to reapportion its congressional districts and redistrict its legislative districts to comply with the constitutional and statutory mandates of "one man, one vote" and the Voting Rights Act of 1965.

During the 1991 legislative session, the General Assembly will debate and pass reapportionment plans. Under the requirements of the Voting Rights Act, this plan must be precleared by the U.S. Justice Department before it can be used for the 1992 elections.

2. Out of State Solid Wastes (tied) Solid Waste Management and Recycling

A topic that is finding its way to statewide front pages, the disposal of out-of-state solid waste in South Carolina is an issue of growing importance. During the past nine months, at least two local communities have been faced with the prospect of out-of-state firms buying land with the intention of using it to dispose of out-of-county and out-of-state solid waste. Last month, voters in Lee County voted in a countywide referendum to restrict the disposal of trash in a proposed 200-acre regional landfill to 150 tons a day. The proposed above-ground landfill in Lee County was designed to accommodate 3,500 tons a day for the next 30 years, until the site is capped as a 125-foot dirt-covered mound. Officials have said that at least 1,200 tons a day would be reserved for the disposal of

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South Carolina trash, and that the operation would generate about \$1 million a year for Lee County.

And last week, a Florida firm announced it wants to turn a site in eastern Cherokee County into a solid waste incinerator, capable of burning 23,000 tons of household garbage a day. South Carolina generates about 11,000 tons of household garbage each day. According to news reports, the firm is proposing a 800 megawatt co-generation power plant and manufacturing complex, whose incineration operation would generate electricity, in addition to producing cement, steel and plastic products.

In an effort to address the problems associated with the landfilling of solid waste, a legislative task force was assembled in 1989 and charged with developing recommended alternatives to this practice. The task force reported to the General Assembly in early 1990 with a set of comprehensive and far-reaching recommendations to establish a statewide solid waste management policy based on recycling.

Local government officials emerged to oppose the bill citing the high costs and what they thought as unrealistic goals for the counties as the main reason for their opposition. As a result, the bill, which had already passed the Senate, ran into trouble on the House floor and was recommitted to committee in the waning days of the session. During the interim, county government officials are developing their own solid waste management proposal, which will be offered as a compromise in the upcoming session.

3. Stricter Lobbying Regulation

In the past several sessions, members of the House have introduced bills to require more complete information concerning lobbyists upon registration and more detailed information and restrictions about their expenditures to influence the legislative and administrative process. In 1990, versions of this bill passed both houses but the conference committee was unable to reach a satisfactory compromise on the differences.

4. Out-of-State Hazardous Waste

In 1989, the General Assembly passed hazardous waste legislation, which among other things, prohibited the treatment, storage or disposal of any out-of-state hazardous waste, if that state does not allow the treatment, storage, or disposal of waste within its own borders or that has not entered into a regional hazardous waste agreement.

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Alabama's hazardous waste law, which is very similar to South Carolina's law, was recently overturned by the U.S. Court of Appeals. The court held that Alabama's law violated the commerce clause of the U.S. Constitution. South Carolina's law is being challenged on the same grounds and should it be overturned, hazardous waste could again be an issue to be addressed in the upcoming session.

Also contained in the 1989 legislation was a provision requiring DHEC to develop siting criteria for new or expanded hazardous waste management facilities. Those regulations were submitted to the Agriculture and Natural Resources Committee in 1990 for approval. After reviewing the proposed regulations, the committee voted to disapprove them. The regulations will be resubmitted for approval in the upcoming session.

5. State Run Primaries

South Carolina is the only state that does not fund and man its political primary elections. Instead, the political parties organize, fund and run their primaries. Bills establishing state run primaries have been introduced in the House in each of the last several sessions but no bill has passed both houses. While officials of both major parties favor the state training election officials and poll workers and running the primaries, the cost to the state has been a factor. The latest fiscal impact statement for this proposal called for an expenditure of \$2.3 million.

6. Lobbyist Oversight

Regarding the issue of who should oversee lobbyists, last session one of the sticking points between the House and Senate versions of the lobbying bill was the topic of oversight. In the House-passed version of the bill, the House overwhelmingly supported provisions authorizing the State Ethics Commission to take over the regulation of lobbyists. In the Senate version of the bill, the system would stay much as it is now -- with the Secretary of State overseeing lobbyist regulations. This was one of the main points on which the House-Senate conference committee on the bill could not reach a compromise.

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7. Pre and Post Election Campaign Disclosure

Ethics legislation and campaign contribution reform will be an important topic in the 1991 session. Reforms in these areas may include pre-election filing of campaign finance reports, restrictions on cash contributions, mandatory bank accounts for campaigns, prohibitions on the use of campaign funds for personal use, and guidelines for the use of surplus campaign funds. Under current law, campaign finance reports must be filed within 30 days after the election in which the contributions are sought or received. No pre-election disclosure is required. There are no guidelines on the receipt of cash contributions or guidelines on keeping campaign funds in bank accounts. Current law also does not specify acceptable uses of the campaign funds or surplus funds and does not prohibit the personal use of surplus campaign funds by the candidate.

8. Health Insurance and Health Care Costs

While the 1989 passage of legislation enacting the South Carolina Health Insurance Pool was seen as a positive step in providing health coverage for many uninsured South Carolinians, the number of state residents who cannot afford or cannot qualify for health insurance continues to increase. Some small businesses have been priced out of the health insurance marketplace, and many businesses have been forced to reduce health insurance benefits for employees in an effort to cut costs.

Health care costs, too, have continued their upward spiral. Rising health care costs can in part be attributed to such factors as natural inflation, escalating salaries for medical personnel, catastrophic cases such as organ transplants and AIDS victims, new technologies, and the general aging of the population. Medicaid pays less than the actual cost of treating the patient, and those unreimbursed expenses must be recouped by health care providers as must the cost of caring for the medically indigent.

Several study groups have been taking an intense look at these and other health care and health insurance related problems, and recommendations by these groups to increase the availability of health insurance and health care to South Carolinians may see legislative action.

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9. Public School Building Needs

In 1989, the South Carolina General Assembly directed the state Department of Education to conduct a survey identifying school building facility needs over the next five years. Their findings indicated that the state's public school facility needs were \$1.5 billion, while the available local resources were \$0.376 billion. These local resources have been restricted by constitutional debt limits and voter approval.

In South Carolina, the legal responsibility for providing adequate school facilities has been delegated to local school boards (SC Code 59-19-90). In most cases, this is accomplished with the issuance of general obligation bonds by the local district. The S.C. Constitution limits the bonded indebtedness to 8 percent of the assessed value of the taxable property in the district. This limit may be exceeded upon approval of a local referendum. Since 1978, 38 referendums have been passed and 24 have failed. Lease-purchase has been a recent alternative to school building financing because it's not included as debt service.

In response to the needs survey, the General Assembly directed the state Board of Education to make recommendations concerning the use of EIA debt service funds to finance public school construction in the state. A special committee and its three subcommittees addressed the problems of (1) governance and funding, (2) funding allocation, and (3) needs determination.

With respect to governance, the committee recommended that the Department of Education should administer the program under the direction of the state Board of Education and that the state Board of Education should appoint a public school construction program. Funding for this program was recommended to be from a dedicated source, raising at a minimum \$50 million for debt service. Possible sources were the elimination of the sales tax cap on motor vehicles or a 4 percent surcharge on personal income tax. As for funding allocation, a two-phase procedure was recommended. Phase I of the program is to address the state's recurring, critical and unique school facility needs for a limited period of time, and Phase II is to increase the amount of funding to local districts to take care of new and recurring school facility needs on an ongoing basis.

Currently, the EIA has \$3.5 million available for debt service for school building construction.

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10. Reorganization of the Highway Department (tied) Limit the Use of Surplus Campaign Funds

Recent scandals within the Highway Department have led to the resignation of the executive director, chief highway engineer and Highway Patrol commander.

The joint study committee created to investigate the Highway Department and study the feasibility of its reorganization will be reporting its recommendations to the General Assembly this session.

Two of the primary issues it will address are: (1) should the Highway Commission be reorganized and (2) should the Highway Patrol be removed from the department.

Currently, the Highway Department is governed by a 20 member commission. Two of the members are appointed by the governor, two are appointed by the chairman of the House and Senate committees having jurisdiction over transportation. The remaining 16 are elected by their respective legislative delegations from districts divided along the same lines as the state's judicial circuits. Representation is rotated among the counties within each circuit.

Critics attribute the department's failure to prevent problems and to take corrective action once problems came to light in large part to the fact that the commission is too large to permit effective management or accountability. A 1986 study pointed out that the commission was much too involved in the daily operation of the department and involved too little in formulating statewide policy. The study suggests that this size -- and from many small districts -- fosters a tendency for commissioners to act as local rather than statewide representatives.

The governor also is proposing a plan for reorganizing the department. His plan calls for the creation of a Department of Transportation with jurisdiction over highways, aeronautics and railways. The governor's plan would streamline the chain of command through a Secretary of Transportation which presumably he would appoint.

The joint committee also is looking into the issue of whether the Highway Patrol should be removed from the department. Some argue that the current structure provides efficiency and coordination between divisions. Others contend that the patrol's law enforcement function has little to do with the functions of other divisions of the department and that its presence within the department makes the

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functions of the department too diverse. Preliminary research of other states' operations indicate that most states do not have a law enforcement division within their Departments of Transportation. If removed from the department, the issue remains whether the patrol should stand alone or be placed under SLED.

An explanation of surplus campaign funds is included in the ethics and lobbying summaries above.